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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,540	08/23/2001	Mark Kirkpatrick	BEI-0008US	8674

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EXAMINER

LE, KAREN L

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/935,540	KIRKPATRICK, MARK	
	Examiner	Art Unit	
	Karen L. Le	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7-9,13-15 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4,7-9, 13-15 and 21-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment filed on April 26, 2006 has been entered. Claims 1, 4, 7-9, 13-14, 21 and 23 have been amended. Claims 3, 5, 10, 16, and 17 have been cancelled. Claims 24-29 have been added. Claims 1-2, 4, 7-9, 13-15, and 21-29 are still pending in this application, with claims 1, 13 and 21 being independent. **This action is made final.**

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4, 7-9, 13-15 and 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the publication "LASS: Putting the telephone customer in charge" by Brant Hirschman, grant swinehart, and Marie Todd on May 1985 in view of McConnell (U.S. 5,436,957), and further in view of Metcalf (Pub. No. 2002/0085700).

Regarding claims 1, 13 and 21, Hirschman teaches in a telecommunication system, a method for blocking future calls from a caller to a callee (page 14, column 2, lines 21-24), the method comprising:

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receiving a first instruction from the callee to access a service to block future calls from a telephone number associated with the caller to the callee, receiving and identifying a telephone number to block associated with the caller (page 14, column 2, lines 27-29);

storing the telephone number to block associated with the caller in a caller in caller block table (page 14, column 2, lines 29-31), and

Preventing one or more phone calls from the telephone number associated with the caller from being forwarded to a second telephone number associated with the callee (page 14, column 3, lines 2-9).

Playing a callee-selected message back to the caller of the telephone number to block when the caller attempts to call the callee (page 14, Col. 3, lines 2-9).

Hirschman does not teach the use of Advanced Intelligent Network (AIN), service data point (SDP), service switching point (SSP) in the telecommunication system to connect between a caller and a callee. However, McConnell's system provides a centralized database within the telephone switching operations through multiple end offices. Local and toll offices of the public telephone network detect a call processing event identified as an AIN "trigger". An office that detects a trigger, however, will suspend call processing, compile a call data message and forward that message via a common channel interoffice signaling link to a Service Control Point (SCP) that includes the database. The SCP can instruct the central office to obtain and forward additional information. The SCP accesses its stored data tables to translate the received message data into a call control message to the office of the network that then use the

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call control message to complete the particular call (McConnell, Fig. 1, items 40, 11, 15, 17). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Hirschman's system into McConnell's system to provide a connection between a caller and a callee to allow the callee to prevent the caller from establishing the connection with the callee via an AIN. That is, using Hirschman's feature in a different environment such as the AIN would have been obvious.

Hirschman does not teach providing at least one callee selection via a voice prompt responsive to the first instruction. However, Metcalf teaches providing at least one callee selection via a voice prompt (para. 0038, lines 12-13) responsive to the first instruction, and receiving a second instruction from the callee (Col. 4, paragraph 0034 and paragraph 0038 and abstract, lines 5-12). Metcalf teaches a method for a user receiving an unwanted phone call to send a control signal to a telephone service provider in order for the service provider to then play back a message that will dissuade the caller from calling again. Metcalf also teaches another embodiment permits a user to playback messages of her choosing by pressing one or more buttons on a telephone keypad. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Metcalf's feature to Hirschman's system to block future calls from caller to the callee using voice prompt and second instruction from the callee. The claimed "voice prompt" and claimed "pressing one or more buttons on a telephone keypad" are very popular in telecommunication system.

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Hirschman does not teach receiving a second instruction from the Callee prior to an expiration of a predetermined time period. However receiving an instruction prior to an expiration of a predetermined time period is a timer issue. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use timer to allow callee a certain time to enter second instruction. Timer has been introduced to telecommunication system for a long time and it is well known and old in telecommunication system. Receiving a second instruction is simply a decision from among range of options. Also, It provides for a confirmation by the user that the previously entered command is correct or not as it's well known in the art.

Regarding claims 2,14 and 22, Hirschman further teaches receiving the first instruction from the callee includes: detecting an off-hook signal from callee; and receiving a predetermined code from the callee (page 14, column 2, lines 27-29), receiving and identifying a telephone number to block associated with the second communication device using at least one of a reverse caller-ID technology and a reverse white pages look-up technology (page 14, lines 27-33 where *60 is a reverse white pages technology).

Regarding claims 4, 23 and 26, Hirschman further teaches receiving and identifying the telephone number to block includes maintaining a record of the most recent telephone number that was a source of a call placed to the second telephone number immediately prior to receiving the callee's instruction to block future calls from

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the caller to the callee, and consulting the record to identify the most recent telephone number as the telephone number to block (page 14, column 2, lines 27-32), and identifying the telephone number using at least one of a reverse caller-ID technology and a reverse white pages look- up technology (page 15, lines 4-12. e.g., the technology behind the “*69” service presently offered by some telephone service providers).

Regarding claims 7-9, Hirschman does not teaches determining that the second instruction is an instruction from the callee to place a call block or to perform an administrative tasks, prompting the callee to select a pre-recorded message to be played to the caller when the caller is blocked from placing a call to the callee, and further comprising enabling the callee to record the message in the callee’s own voice. However, Metcalf teaches prompting the callee to perform administration tasks, prompting the callee to select a pre-recorded message to be played to the caller when the caller is blocked from placing a call to the callee, and further comprising enabling the caller to record the message in the caller’s own voice (Paragraph 0037, Abs. Lines 5-12).

Regarding claim 15, Hirschman does not teach comprising a database in communication with the SCP. However, McConnell teaches comprising a database in communication with the SCP (Col. 8, lines 15-24).

Regarding claims 24 and 27, Hirschman does not teach comprising removing a block placed on a specific telephone number. However Metcalf teaches removing a block placed on a specific telephone number (Paragraph 0035).

Regarding claims 25 and 28, Hirschman further teaches sending a voice message to a caller whose telephone number has been unblocked (Page 14, Col.3, lines 5-9).

Regarding claim 29, Hirschman further teaches blocking the telephone number associated with a recent caller and blocking one or more telephone number as specified by the callee (Page 14, Col.2, lines 12-20).

Response to Arguments

4. Applicant's arguments filed on April 26, 2006 have been fully considered but they are not persuasive.

As to Applicant's Remarks, Applicant mainly argues that Hirschman does not disclose or suggest receiving a second instruction from the callee prior to an expiration of a predetermined time period, identifying the telephone number using at least one of a reverse caller-ID technology and a reverse white pages look up technology, sending a voice announcement to the callee if a second instruction is not received before a predetermined time period has expired. Examiner respectfully disagrees for the following reasons: "receiving a second instruction from the callee prior to an expiration

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of a predetermined time period” receiving a second instruction is simply a decision from among range of options to receive confirmation from the user. Timer has been introduced to telecommunication system for a long time and it is well known an old in telecommunication system.

Identifying the telephone number using at least one of a reverse caller-ID technology and a reverse white pages look up technology. *69 has been introduce in telephone system for caller to obtain information regarding the target location and this feature represent for the existing reverse called-ID or reverse white pages look-up technology.

Sending a voice announcement to the callee is simply an announcement to caller when no representative is available. When a customer calls a call center she will be presented a list of menu option and she will be asked to choose one of the options. When the center receives no option it will send her another announcement. Sending a voice announcement to a caller is old and well known in telecommunication system.

For the above reasons, Hirschman is maintained for supporting the enclosed Examiner’s final action.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L. Le whose telephone number is 571-272-7487. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Karen Le
KLL


WING CHAN
SUPERVISORY PATENT EXAMINER

August 7, 2006